



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642
All Departments 508-240-5900
www.eastham-ma.gov

2/24/22
C. MURPHY
edw/s

MINUTES EASTHAM BOARD OF HEALTH MEETING THURSDAY, JANUARY 20, 2022 AT 3PM EARLE MOUNTAIN ROOM AT TOWN HALL

Present: Jane Crowley, Dr. Joanna Buffington (Chair), Wendy Walsh (Alternate), Jane Crowley,
Susan Barker, Karen Chimwaza

Present remotely: Adele Blong, Francie Williamson, Hope Plavin, Catherine Mondon,

I. NOTIFICATION OF VIDEO/AUDIO RECORDING

II. OPENING STATEMENTS

Jane Crowley provided an update on the month's activities:

- The Town received approximately 900 test kits from the State. A public distribution was held at the Eastham/Orleans Elks Club. Thank you to the Elks for letting the Town use their space. Additionally, test kits were distributed to those experiencing high need or financial hardship through the Eastham Elementary School, Nauset Regional High School, Cape Cod Children's Place, Council on Aging, and Recreation Department.
- The Town joined with Provincetown, Truro, and Wellfleet, to purchase test kits. Thank you to the National Seashore for expediting the permit to use Little Creek parking lot. A distribution was held at Little Creek on 1/15/22. Approximately 2000 tests were distributed.
- Another public test distribution will be held at Little Creek Parking Lot on 1/21/22 from 12-2 pm. Additionally, kits will be supplied to the Eastham Elementary School, Nauset Regional High School, Cape Cod Children's Place, Council on Aging, and Recreation Department for targeted distribution.
- An employee booster clinic was held at Town Hall on 12/30/21.

III. VARIANCES – VOTE MAY BE TAKEN

1. RICHARD ROSEN

23 BAYBERRY LN

M13 P153

Laura Schofield of Schofield Brothers presented a plan to upgrade the septic system on an 8,700 sq. ft. environmentally sensitive lot as part of a plan to demolish and rebuild of the 2 bedroom dwelling. The proposed system includes a 1500 gallon septic tank with Advantex AX20 treatment unit, pump chamber, distribution box, and a 21' x 8.8' x 2' soil absorption system. The following variances were requested:

1. 310 CMR 15.405 (1)(a) – 5' from soil absorption system and easterly property line (10' required, 5' provided, 5' variance requested).
2. 310 CMR 15.405 (1)(a) – 2' from soil absorption system and northerly property line (10' required, 8' provided, 2' variance requested).
3. 310 CMR 15.405 (1)(a) – 3' from septic tank and northerly property line (10' required, 7' provided, 3' variance requested).
4. 310 CMR 15.405 (1)(b) – 12' from soil absorption system and cellar wall (20' required, 8' provided, 12' variance requested).

5. 310 CMR 15.405 (1)(g) and Eastham Board of Health Regulations – 40' from soil absorption system and private water supply well serving 25 Bayberry Ln (100' required, 60' provided, 40' variance requested).
6. 310 CMR 15.405 (1)(g) and Eastham Board of Health Regulations – 35' from soil absorption system and private water supply well serving 21 Bayberry Ln (100' required, 65' provided, 35' variance requested).
7. 310 CMR 15.405 (1)(g) and Eastham Board of Health Regulations – 34' from soil absorption system and private water supply well serving 26 Bayberry Ln (100' required, 66' provided, 34' variance requested).
8. 310 CMR 15.405 (1)(g) and Eastham Board of Health Regulations – 8' from soil absorption system and private water supply well serving 22 Bayberry Ln (100' required, 92' provided, 8' variance requested).
9. Eastham Board of Health Regulations – 49' from soil absorption system to the top of a coastal bank (100' required, 51' provided, 49' variance requested).
10. Eastham Board of Health Regulations – 22' from septic tank to the top of a coastal bank (50' required, 28' provided, 22' variance requested).

Jay Davis, owner of 25 & 28 Bayberry Ln, spoke about the septic system placement and its proximity to his property line.

Dr. Buffington moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Carmody Data Base provided through Barnstable County Health or directly to the Eastham Health Department if not available.
4. Deed restriction for 2 Bedroom use and use alternative technology requirement to be recorded on deed as confirmed by previous site visit.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Municipal water to be provided

Ms. Williamson seconded the motion.

Approved 5-0

2. MICHAEL & ROSS KRAEMER

32 BAYBERRY LN

M13 P162

Andrew Grover of Ryder & Wilcox presented a plan to replace the failed leaching trench on the 8, 584 sq. ft. environmentally sensitive lot with a three bedroom dwelling. The existing septic system includes a Singlair processing tank installed in 2007. The following variances were requested:

1. 310 CMR 15.211 - 6' from soil absorption system to foundation (20' required, 14' provided, 6' variance requested).
2. 310 CMR 15.211 - 9' from soil absorption system to property line (10' required, 1' provided, 9' variance requested).
3. 310 CMR 15.405 (1)(c) – 25% reduction in the soil absorption system area.

Clarification of the reasoning for a reduction in soil absorption system was sought. A reduction of 50% is allowed for I/A systems and only a 25% reduction is sought in order to maintain mature trees.

Ms. Williamson moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Repair or replace the secondary treatment system. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Carmody Data Base provided through Barnstable County Health or directly to the Eastham Health Department if not available.
4. Deed restriction for 3 Bedroom use and use alternative technology requirement to be recorded on deed as confirmed by previous site visit (completed).
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Municipal water to be provided (completed).

Ms. Plavin seconded the motion.

Approved 5-0

IV. REVIEWS – VOTE MAY BE TAKEN

3. ERIC AND BECCA NEWMARK 1125 KINGSBURY BEACH RD M10 P317

Stephanie Sequin of Ryder & Wilcox presented a plan to upgrade the septic system on a 11,400 sq. ft. lot with an existing three bedroom home in order to increase the habitable space. The proposed septic system would include a 1500 gallon septic tank with MicroFast treatment unit, the existing distribution box, and existing soil absorption system.

Some members of the Board expressed concern about the increase in habitable space. The dwelling will increase habitable space from 768 sq. ft. to approximately 2800 sq. ft. Eric Newmark, owner of 1125 Kingsbury Beach Road, explained that the bulk of the increase in habitable square footage is an addition behind the dwelling and finishing the basement.

Ms. Blong moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Carmody Data Base provided through Barnstable County Health or directly to the Eastham Health Department if not available.
4. Deed restriction for 3 bedroom use and use alternative technology requirement to be recorded on deed as confirmed by previous site visit.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Municipal water to be provided

Ms. Mondon seconded the motion.

Approved 5-0

4. NAUSET REGIONAL HIGH SCHOOL 100 CABLE RD M6 P140

David Michniewicz of Coastal Engineering Company presented a request for a letter of support to DEP that alternative flow use determination be applied in the design of the septic system for the renovation project at Nauset Regional High School. The design flow in Title 5 would require 20 GDP per person. Coastal Engineering proposed to use a flow factor of 7.4 GPD per person, which was determined using the water usage data from previous years.

Ms. Blong moved that the Eastham Board of Health support the alternative flow determination with a 8800 GPD flow for Nauset Regional High School septic design so long as the design includes secondary treatment.

Ms. Mondon seconded the motion.

Approved 5-0

Mr. Michniewicz presented a conceptual plan for the proposed septic system at Nauset Regional High School. A workshop was requested to further discuss the septic system as the plan was not received by the Board in time for a full review.

5. LIEBERT PRESNICK FAM NOM TR 30 DYER PRINCE RD M20 P8

Daniel Ojala of Down Cape Engineering presented a plan for a proposed septic system on a 20,959 sq ft environmentally sensitive lot to allow for a proposed two bedroom dwelling. The proposed septic

system would include a 1500 gallon septic tank with Microfast Treatment Unit, 1000 gallon pump chamber, 14' x 21.5' pressure dosed pipe and stone leaching field.

Ms. Mondon moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Carmody Data Base provided through Barnstable County Health or directly to the Eastham Health Department if not available.
4. Deed restriction for 2 bedroom use and use alternative technology requirement to be recorded on deed as confirmed by previous site visit.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Municipal water to be provided.
7. Attic to remain unfinished.

Ms. Williamson seconded the motion.

Approved 5-0

V. REDUCTION REQUEST

6. JAY EMERSONDAVIS FAMILY TRUST 28 BAYBERRY LN M13 P164

A request was made to reduce the testing from 4x a year to 2x due to the dwelling being used seasonally. No effluent testing results were available as the system is not installed yet.

Dr. Buffington moved to approve the request.

Ms. Williamson seconded the motion.

Approved 5-0

VI. DISCUSSION ON FACE MASK REQUIREMENT – VOTE MAY BE TAKEN

Jane Crowley provided an update on COVID in the community:

	Eastham	Barnstable County	MA state
Incidence Rate (last 14 days 1/13/22)	91.6	174.1	267.3
Positivity Rate (Last 14 days 1/13/22)	17.42%	20.94%	21.52%

Eastham has had a total of 520 cases, with 36 in the last 14 days (1/4-20/22). These totals do not include positive test results from rapid home tests.

Dr. Buffington moved to continue the mask mandate to be reviewed at the February 24, 2022 meeting.
Ms. Mondon seconded the motion.

Approved 5-0

VII. OTHER BUSINESS - VOTE MAY BE TAKEN

Holtec letter – Ms. Williamson proposed writing a letter to government officials regarding Holtec discharging waste from the nuclear power plant into Cape Cod Bay. A discussion of a possible letter occurred. A draft letter was going to be sent to the Board Members.

Animal Regulations – Ms. Blong requested an update on the recently enacted animal regulations. The Health Department has received no applications for keeping non-commercial farm animals. Desmond Keogh, the Animal Control Officer, will be invited to the next meeting for an update on outreach.

Tobacco workshop - a workshop was set for 1/27/22 at 2pm. All tobacco sale permit holders will be invited.

VIII. MINUTES - VOTE MAY BE TAKEN

Ms. Mondon moved to approve the minutes with amendments.
Ms. Williamson seconded the motion.

Approved 5-0

IX. ADJOURNMENT

Ms. Blong moved to adjourn.
Ms. Mondon seconded the motion.

Approved 5-0